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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ZHEN, LI B

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2194

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/058,173	Applicant(s) STEFANIK ET AL.	
	Examiner LI B. ZHEN	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-49,51,54-58,61,70-73 and 76-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-49,51,54-58,61,70-73 and 76-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 46-49, 51, 54-58, 61, 70-73 and 76-78 are pending in the application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 9, 2010 has been entered.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 46-49, 51, 55-58, 70-73 and 77-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,832,242 to Keskar et al. [hereinafter**

Keskar, previously cited] in view of “Synchronization Profile,” Bluetooth Specification Version 1.1 [hereinafter Bluetooth].

6. As to claim 46, Keskar teaches a method of distributing software [shareable items include executable files; col. 9, lines 48 – 65] between portable computer systems [share information from the handheld device 200a to user B’s handheld device 200b; col. 3, line 63 – col. 4, line 17], the method comprising:

demarking files on a first portable computer system by a first user [block P710, the sender, or the person wishing to share a relevant item(s), uses the HSA UI to initiate the sending of the relevant item(s); col. 13, lines 20 – 55], the demarking indicating that the demarked files are available for downloading by a second portable computer system by a second user [block P720, the sender’s HSA beams the intent to share the relevant item along with the sender’s user identification information; col. 13, lines 20 – 55], wherein the files are executable files [shareable items include executable files; col. 9, lines 48 – 65];

automatically transferring, from the first portable computer system to the second portable computer system [block P720, Fig. 7; col. 13, lines 20 – 55], summary information with respect to the demarked files, said summary information consisting of descriptive information associated with said demarked files, the descriptive information being devoid of the demarked files [shareable note may, for example, include information pertaining to the descriptions and locations of the sharable item; col. 13, line 55 – col. 14, line 13];

displaying at least a portion of the transferred summary information at the second portable computer system [recipient is prompted for guidance; col. 13, lines 50 – 55];

selecting, via a user interface [user interface 220; col. 4, lines 57 – 67], at least a subset of the demarked tiles from the displayed portion of the transferred summary information at the second portable computer system [allowing the recipient to have the option to manually reject the item or accept the item; col. 13, lines 50 – 55];

receiving, at the second portable computer system, a download of the selected ones of the demarked files from the first portable computer system in response to the selecting via the user interface at the second portable computer system [message may also prompt the recipient for guidance...In block P670, the HSA of the recipient accepts the item(s) and attached information and places them in corresponding locations with the appropriate attributes on the handheld device of the recipient; col. 13, lines 10 – 55]; and

wherein at least some of the selected ones of the demarked files are executable files to be executed at the second portable computer system [shareable items include executable files; col. 9, lines 48 – 65 and col. 1, lines 30 – 43]. Keskar teaches automatically transferring summary information from the sender device to the recipient device [sender's HAS beams the intent to share the relevant item; col. 13, lines 20 – 55 and sharable note may, for example, include information pertaining to the descriptions and locations of the sharable item; col. 13, line 55 – col. 14, line 13] using the wireless communication protocols such as Infrared data and Bluetooth. Keskar does not specifically disclose automatically transferring data when the first portable computer

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system and the second portable computer system are within a communication range according to a communication protocol.

However, the Bluetooth discloses a known capability [pp. 403-404 and 414] that allows Bluetooth enabled devices to automatically transfer data when the devices are within the radio frequency proximity of each other. The profile covers the scenario for the use of a Bluetooth enable device to “automatically” start synchronization when a PDA enters the radio frequency proximity of the Bluetooth enabled device. The devices in Keskar have PDAs equipped with Bluetooth wireless port and they pass content to each other using the wireless port.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Keskar to include the features of Bluetooth. One of ordinary skill in the art would have been motivated to make the combination because using the Bluetooth wireless port of Keskar's PDAs to communicate with each other would allow the sender PDA to automatically transmit data through synchronization when the recipient PDA enter the radio frequency proximity of the sender PDA without requiring the users to perform additional work.

7. As to claim 55, Keskar as modified teaches a portable computer system [col. 3, line 63 – col. 4, line 17 of Keskar] comprising:

a bus [col. 2, lines 57 – 67 of Keskar];

a processor coupled to the bus [col. 2, lines 57 – 67 of Keskar];

a wireless transceiver coupled to the bus for transferring information to other computer systems [col. 3, lines 45 – 49 and col. 12, lines 20 – 25 of Keskar]; and

a memory coupled to the bus [col. 4, lines 17 – 38 of Keskar], wherein the handheld computer system [col. 3, line 63 – col. 4, line 17 of Keskar] is configured to:

store demarked files, the demarked files being demarked by a first user [block P710, the sender, or the person wishing to share a relevant item(s), uses the HSA UI to initiate the sending of the relevant item(s); col. 13, lines 20 – 55 of Keskar] and being available for downloading to a second portable computer system by a second user [sender's HSA beams the intent to share the relevant item along with the sender's user identification information; col. 13, lines 20 – 55 of Keskar], and

automatically transfer [block P720, Fig. 7; col. 13, lines 20 – 55 of Keskar], to the second portable computer system, summary information with respect to the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the second portable computer system is within a communication range [pp. 403-404 and 414 of Bluetooth] of the portable computer system according to a communication protocol [col. 12, lines 6 – 25 of Keskar], said summary information consisting of descriptive information associated with said demarked files the descriptive information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar];

wherein at least one of the handheld computer system and a third computer system is configured to download selected ones of the demarked files to the second portable computer system in response to receiving a download request from the second portable computer system [message may also prompt the recipient for guidance...In

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block P670, the HSA of the recipient accepts the item(s) and attached information and places them in corresponding locations with the appropriate attributes on the handheld device of the recipient; col. 13, lines 10 – 55 of Keskar]; and

wherein at least some of the selected ones of the demarked files are executable files to be executed at the second portable computer system [shareable items include executable files; col. 9, lines 48 – 65 and col. 1, lines 30 – 43 of Keskar].

8. As to claim 70, Keskar as modified teaches a portable computer system [col. 3, line 63 – col. 4, line 17 of Keskar] comprising:

means for storing demarked files, the demarked files being demarked by a first user [block P710, the sender, or the person wishing to share a relevant item(s), uses the HSA UI to initiate the sending of the relevant item(s); col. 13, lines 20 – 55 of Keskar] and being available for downloading [col. 13, lines 20 – 55 of Keskar] to a second portable computer system by a second user [sender's HSA beams the intent to share the relevant item along with the sender's user identification information; col. 13, lines 20 – 55 of Keskar], and means for automatically transferring [block P720, Fig. 7; col. 13, lines 20 – 55 of Keskar], to the second portable computer system, summary information with respect to the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the second portable computer system is within a communication range of the portable computer system according to a communication protocol [pp. 403-404 and 414 of Bluetooth and col. 12, lines 6 – 25 of Keskar], said summary information consisting of descriptive information associated with said demarked files, the descriptive

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information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of Kesar];

means for downloading selected ones of the demarked files to the second portable computer system in response to receiving a download request from the second portable computer system [message may also prompt the recipient for guidance...In block P670, the HSA of the recipient accepts the item(s) and attached information and places them in corresponding locations with the appropriate attributes on the handheld device of the recipient; col. 13, lines 10 – 55 of Kesar]; and

wherein at least one of the selected ones of the demarked files to be downloaded by the means for downloading selected ones of the demarked files are executable files to be executed at the second portable computer system [shareable items include executable files; col. 9, lines 48 – 65 and col. 1, lines 30 – 43 of Kesar].

9. As to claim 77, Kesar as modified teaches a method of distributing application software between computer systems [col. 3, line 63 – col. 4, line 17 of Kesar], the method comprising:

demarking files on a first computer system by a first user [block P710, the sender, or the person wishing to share a relevant item(s), uses the HSA UI to initiate the sending of the relevant item(s); col. 13, lines 20 – 55 of Kesar], the demarking indicating that the demarked files are available for downloading from the first computer system [col. 13, lines 20 – 55 of Kesar], wherein the demarked files are executable files [shareable items include executable files; col. 9, lines 48 – 65 of Kesar];

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automatically transferring, from the first computer system to the second portable computer system [block P720, Fig. 7; col. 13, lines 20 – 55 of Keskar], descriptive information associated with the demarked files, the descriptive information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the first computer system enters into communication with the second computer system [pp. 403-404 and 414 of Bluetooth];

displaying at least a portion of the transferred summary information at the second portable computer system [recipient is prompted for guidance; col. 13, lines 50 – 55 of Keskar];

selecting, via a user interface [user interface 220; col. 4, lines 57 – 67 of Keskar], at least a subset of the demarked tiles from the displayed portion of the transferred summary information at the second portable computer system [allowing the recipient to have the option to manually reject the item or accept the item; col. 13, lines 50 – 55 of Keskar];

receiving, at the second portable computer system, a download of the selected ones of the demarked files from the first portable computer system in response to the selecting via the user interface at the second portable computer system [message may also prompt the recipient for guidance...In block P670, the HSA of the recipient accepts the item(s) and attached information and places them in corresponding locations with the appropriate attributes on the handheld device of the recipient; col. 13, lines 10 – 55 of Keskar]; and

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wherein at least some of the selected ones of the demarked files are executable files to be executed at the second portable computer system [shareable items include executable files; col. 9, lines 48 – 65 and col. 1, lines 30 – 43 of Keskar].

10. As to claim 47, Keskar as modified teaches the communication protocol is a wireless communication protocol [col. 12, lines 5 – 25 of Keskar and pp. 403-404 and 414 of Bluetooth].

11. As to claim 48, Keskar as modified teaches the wireless communication protocol includes infrared light signaling [col. 12, lines 5 – 25 of Keskar].

12. As to claim 49, Keskar as modified teaches communications between the first portable computer system and the second portable computer system are direct [col. 12, lines 5 – 42 of Keskar].

13. As to claim 51, Keskar as modified teaches the selecting via the user interface further comprises touching an area of a display screen of the second portable computer system [user interface 220; col. 4, lines 57 – 67 of Keskar].

14. As to claim 56, Keskar as modified teaches the communication protocol is a wireless communication protocol [col. 12, lines 5 – 25 of Keskar and pp. 403-404 and 414 of Bluetooth].

15. As to claim 57, Keskar as modified teaches the wireless communication protocol includes infrared light signaling [col. 12, lines 5 – 25 of Keskar].

16. As to claim 58, Keskar as modified teaches the portable computer system is configured to communicate directly with the second portable computer system [col. 12, lines 5 – 42 of Keskar].

17. As to claim 71, Keskar as modified teaches the communication protocol is a wireless communication protocol [col. 12, lines 5 – 25 of Keskar and pp. 403-404 and 414 of Bluetooth].

18. As to claim 72, Keskar as modified teaches the wireless communication protocol includes infrared light signaling [col. 12, lines 5 – 25 of Keskar].

19. As to claim 73, Keskar as modified teaches means for communicating directly with the second portable computer system [col. 12, lines 5 – 42 of Keskar].

20. As to claim 78, Keskar as modified teaches the first and second computer systems enter into communication automatically when they are positioned within a communication range [col. 12, lines 5 – 25 of Keskar and pp. 403-404 and 414 of Bluetooth].

21. Claims 54, 61, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keskar and Bluetooth and further in view of US 20020065732 A1 to Rodgers et al. [hereinafter Rodgers, previously cited].

22. As to claim 54, Keskar as modified does not teaches the executable files include one or more application files that have limited functionality or limited time of use.

However, Rodgers teaches executable files include one or more application files that have limited functionality or limited time of use [licence states (e.g. indicative of a time-limited licence, or licences that prevent sharing with peers may be provided); paragraph 0022].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the invention of Keskar and Bluetooth to include the features of Rodgers. One of ordinary skill in the art would have been motivated to make the combination because this allows the commercial distributor will be able to determine, upon receipt of temporary licence data, from which full licence holder the content originated. In the event that the temporary licence holder chooses to purchase a copy of the content (thus converting the temporary licence into a full one) the commercial distributor is then able to reward the full licence holder responsible for transmitting the content. This provides one incentive for consumers to engage in a process of lawful purchase of content, while at the same time benefiting the commercial distributor who has an ad hoc sales force at their disposal [paragraph 0013 of Rodgers].

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23. As to claim 61, Keskar as modified teaches the executable files include one or more application files that have limited functionality or limited time of use [licence states (e.g. indicative of a time-limited licence, or licences that prevent sharing with peers may be provided); paragraph 0022 of Rodgers].

24. As to claim 76, Keskar as modified teaches executable files include one or more application files that have limited functionality or limited time of use [licence states (e.g. indicative of a time-limited licence, or licences that prevent sharing with peers may be provided); paragraph 0022 of Rodgers].

CONTACT INFORMATION

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LI B. ZHEN whose telephone number is (571)272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sub Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/
Primary Examiner, Art Unit 2194